

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CommScope, Inc., CommScope Inc. of North Carolina, and CommScope Technologies, LLC,)	Civil Action No. 19-cv-15962-JXN-LDW
)	
Plaintiffs,)	
)	
v.)	DECLARATION OF JIM (DENGBIN) MIAO IN SUPPORT OF JOINT MOTION OF ALL PARTIES FOR RECONSIDERATION OF THE DENIAL OF THE REQUESTED EXTENSION BASED ON <u>NEW</u> INFORMATION, OR, IN THE ALTERNATIVE, TO STAY THE LITIGATION
Rosenberger Technology (Kunshan) Co. Ltd., Rosenberger Asia Pacific Electronic Co., Ltd., Rosenberger Technology LLC, Rosenberger USA Corp., Rosenberger North America Pennsauken, Inc., Rosenberger Site Solutions, LLC, Rosenberger Hochfrequenztechnik GmbH & Co. KG, Northwest Instrument, Inc., CellMax Technologies AB,)	
)	
Defendants.)	
)	

I, Jim (Dengbing) Miao, declare as follows:

1. I am Managing Corporate Counsel for CommScope's Greater China business unit. I have personal knowledge of the facts set forth herein.

1. I understand that Defendants have sought to depose Xu Guolong (“Dragon”), Wu Ligang, and Li Yuemin (“Paul”) from CommScope in this litigation. These three CommScope witnesses work in CommScope’s Suzhou, China facilities and live in the Suzhou area. These facilities are located in Mainland China.

2. In order to leave Mainland China, the witnesses must obtain travel documents. The witnesses cannot travel abroad without these documents. Documentation is required for either international travel or domestic travel outside of Mainland China.

3. To travel to Singapore, Chinese citizens must obtain both a Chinese passport and a visa from Singapore. The CommScope witnesses located in the Suzhou area must obtain visas from the Singapore Consulate located in Shanghai. The city of Shanghai is currently on lockdown due to the COVID-19 situation. There is no indication when the lockdown will end. The Singapore Consulate informed me via email on April 13, 2022, that they are “still closed” and that we would need to schedule an appointment “once the lockdown has been lifted.” Attached as Exhibit 1 is a true and correct copy of a certified translation of an email from the Singapore Consulate-General in Shanghai to myself and my colleague Lu Chun, sent on April 13, 2022.

4. To travel domestically outside of Mainland China, Chinese citizens must obtain an entry permit and an entry mark attached to the entry permit. To obtain these documents, the CommScope witnesses located in the Suzhou area must apply in person at the Suzhou Entry & Exit Administration.

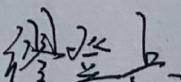
5. The Suzhou Entry & Exit Administration is not issuing entry permits for travel to certain domestic destinations, including Hong Kong, for depositions.

6. The Suzhou Entry & Exit Administration is issuing entry permits for travel to other domestic destinations outside of Mainland China, but only for “urgent and necessary” circumstances. I understand that it is nearly impossible for travel for depositions in support of U.S. litigation to qualify as urgent and necessary under this standard. It is also unclear whether domestic destinations outside of Mainland China will accept travelers from Mainland China in light of the current situation.

7. In addition, I understand legal professionals at Faegre Drinker Biddle & Reath LLP spoke with officials at the Suzhou Entry & Exit Administration on April 8 and 11, 2022. The officials gave no indication that they would issue the required documentation for travel for these depositions. Further, the officials could provide no information about when they would be able to resume issuing travel documentation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: April 14, 2022



Jim(Dengbing) Miao

Exhibit 1

From: [Singapore Consulate General Shanghai](#)
To: [Lu, Chun](#)
Cc: [Miao, Jim \(Dengbing\)](#)
Subject: RE: 公证咨询
Date: Wednesday, April 13, 2022 3:45:04 AM

External (singcg_sha@mfa.sg)

[Report This Email](#) [FAQ](#) [Protection by INKY](#)

Dear Lu Chun,

Thank you for your email.

Please be informed that our office is still closed at this moment and we are unable to support online notarial services. You may wish to reach out to us again to schedule for an appointment once the lockdown has been lifted.

Regards,
Singapore Consulate-General in Shanghai

From: Lu, Chun <Chun.Lu@commscope.com>
Sent: Wednesday, 13 April 2022 4:33 PM
To: Singapore Consulate General Shanghai <singcg_sha@mfa.sg>
Cc: Miao, Jim (Dengbing) <Jim.Miao@commscope.com>
Subject: 公证咨询

新加坡共和国驻上海总领馆,

您好!

我们有一份资料需要在贵领馆进行公证, 由于现在疫情特殊时期, 贵领馆是否接受网络申请 (如: 通过邮件形式发给贵领馆)?

非常感谢你们的帮助。

Lu Chun

From: Singapore Consulate General Shanghai

To: Lu, Chun

Cc: Miao, Jim (Dengbing)

Subject: RE: Inquiry about notary

Date: Wednesday, April 13, 2022 3:45:04 AM

External (singcg_sha@mfa.sg)

[Report This Email](#) [FAQ](#) [Protection by INKY](#)

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Regards,

Singapore Consulate-General in Shanghai

From: Lu, Chun <Chun.Lu@commscope.com>

Sent: Wednesday, 13 April 2022 4:33 PM

To: Singapore Consulate General Shanghai <singcg_sha@mfa.sg>

Cc: Miao, Jim (Dengbing) <Jim.Miao@commscope.com>

Subject: Inquiry about notary

Dear Sir/Madam at Singapore Consulate-General in Shanghai,

Hope this finds you well.

We have a document needing your notarial services. As we are in this unusual time with this pandemic, we are wondering if you accept online application (e.g., sending our application to you by email) ?

Your help will be greatly appreciated.

Lu Chun



100 Park Avenue, 16th Fl

New York, NY 10017

www.consortra.com

STATE of NEW YORK)
)
COUNTY of NEW YORK)

ss:

CERTIFICATE OF ACCURACY

This is to certify that the attached document, "Email with Singapore Consulate Shanghai"- originally written in Chinese, -- is, to the best of our knowledge and belief, a true, accurate, and complete translation into English.

Dated: 4/13/2022

A handwritten signature in black ink, appearing to read "Heather Cameron".

Heather Cameron
Projects Manager
Consortra Translations

Sworn to and signed before ME
This 13th day of April, 2022

A handwritten signature in black ink, appearing to read "James G Mamera".

Notary Public

JAMES G MAMERA
Notary Public - State of New York
No. 01MA6157195
Qualified in New York County
My Commission Expires Dec. 4, 2022

Your
legal
translation
partner